IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:23-CV-107-D

DERRICK ALLEN,)	
Plaintiff,)	
v.)	ORDER
DURHAM, P.D., et al.,	}	
Defendant.)	

Derrick Allen ("Allen" or "plaintiff") filed this action <u>prose</u> and filed a motion for leave to proceed in forma pauperis. <u>See</u> [D.E. 1, 3]. As explained below, the court grants Allen's motion to proceed in forma pauperis, conducts frivolity review pursuant to 28 U.S.C. § 1915, and dismisses Allen's complaint.

Allen's complaint states:

I was given a ticket for reckless driving when an elder caucasian female hit my vehicle from behind. I continue to be targeted by police. How did he write me a ticket when I was hit from behind?

See Compl. [D.E. 1] 2.

The standard used to evaluate the sufficiency of a pleading is flexible, "and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam) (internal quotation marks omitted). Erickson, however, does not undermine the "requirement that a pleading contain 'more than labels and conclusions." Giarratano v. Johnson, 521 F.3d 298, 304 n.5 (4th Cir. 2008) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)); see Ashcroft v. Iqbal, 556 U.S. 662, 677–83 (2009); Coleman v. Md. Court of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd,

132 S. Ct. 1327 (2012); Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255-56 (4th Cir. 2009); Francis v. Giacomelli, 588 F.3d 186, 193 (4th Cir. 2009).

Allen's complaint fails to establish that this court has subject-matter jurisdiction and fails to state a claim. In sum, the court GRANTS plaintiff's motion to proceed in forma pauperis [D.E. 3], and DISMISSES WITHOUT PREJUDICE plaintiff's complaint [D.E. 1]. The clerk shall close the case.

SO ORDERED. This 15 day of March, 2023.

JAMES C. DEVER III

United States District Judge